

Portland/Gresham/Multnomah County Continuum of Care
2011 Permanent Housing Bonus Project Pre-application
Questions and Responses
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The following questions were submitted by potential applicants and other interested parties to the Continuum of Care (CoC) coordinator, Ryan Deibert, either through direct contact or in the Permanent Housing Bonus Project Information Session, held at the Portland Housing Bureau on September 22, 2011. Responses are provided below. Additional questions should be submitted to Ryan Deibert by phone or email (503-823-2368; ryan.deibert@portlandoregon.gov). Information session slides and a periodically updated version of this question and response document are available at the following PHB website:

<http://www.portlandonline.com/phb/index.cfm?c=53975&a=364782>

Applicants are also strongly encouraged to review the materials accompanying the 2011 Permanent Housing Bonus Project Pre-application, which include summaries of eligible programs, populations, and links to HUD policy and FAQ documents.

Q1. Can permanent supportive housing bonus projects using Supportive Housing Program (SHP) funds serve convicted sex offenders?

A1. HUD specifically addresses this question in Section B.3 of the [Eligible Participants](#) Section of the [SHP Desk Guide](#):

Are programs required to screen for sexual offenders?

No. There is no SHP requirement for programs to screen for sexual offenders. However, program staff should consider the population being served to determine whether screening for sexual offenders is appropriate.

Further, the Overview Information section, subsection G.8.e of the [2011 CoC NOFA](#) addresses allowable project-level limitations in advertising and service packages for projects serving chronically homeless people, and notes [*italics mine*]:

Additionally, recipients may advertise and offer a specialized service package to assist persons with particular conditions or needs that result from or lead to chronic homelessness, such as mental health services, *services to address inappropriate sexual conduct*, substance abuse addiction treatment, anger management or a high intensity service package designed to meet the needs of service-resistant persons. Recipients may notify other Continuum agencies of the services offered or otherwise indicate the intent to provide special services targeted to a particular need. Recipients may limit admission to or provide a preference for persons who need the particular supportive services offered. Nevertheless, the project shall be open to all

otherwise eligible chronically homeless persons or families who may benefit from services provided in the project.

Q2. Can permanent supportive housing bonus projects using Supportive Housing Program (SHP) funds serve undocumented immigrants?

A2. Federal legislation from 1996 restricts eligibility for receipt of public benefits based on status as an illegal alien, but nonprofit grantees do not appear to be required to verify citizenship status of participants. From the [Eligible Participants](#) Section of the [SHP Desk Guide](#):

Special Guidance on Serving Persons Who May Be Illegal Aliens

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 imposed restrictions on eligibility for receipt of public benefits. Essentially, the law provides that illegal aliens *are not* to receive public benefits and specifies how the inquiry into a person's status is to be conducted. However, there is an exception to the law for community programs that are necessary for protection of life or safety. *SHP transitional housing* has been determined to be excepted because it provides short-term shelter or housing assistance, non-cash services at the community level and is not means-tested.

The exception does not apply to SHP permanent housing projects. For permanent housing projects, grantees that are governments are required to comply with the law and should contact their legal counsel for advice on how to comply. Grantees that are nonprofit charitable organizations are not required to, but may, verify an applicant's citizenship or immigration status before providing assistance. If a nonprofit elects to verify citizenship or immigration status, they must follow the procedures required by the Act and should consult with their legal counsel on how to comply.

The 2011 CoC NOFA and supporting documentation does not provide additional guidance regarding serving undocumented persons in permanent supportive housing bonus projects.

Q3. Are disabled homeless or chronically homeless households made up of a couple eligible to receive services in permanent housing bonus projects? The 2011 NOFA states that permanent housing projects may serve disabled homeless families and/or chronically homeless individuals or families. Though some references throughout the SHP Desk Guide indicate that households with one or more adults *and* one or more minor children are "families," they seem to be silent as to whether households with more than one related adult but no minor children (e.g. couples, or a single parent and an adult child (>18 y.o.)) constitutes a "family." Are couples or other households with more than one adult and no minor children eligible populations for permanent housing bonus funds?

A3. In reviewing the 2011 NOFA, SHP Desk Guide, and other applicable guidance from HUD, we find nothing that clearly answers this question. When we requested clarification for the same

question through HUD's [HRE Virtual Help Desk](#) during the 2010 CoC competition, we received the following response:

1. At this time, HUD does not define the term family.
2. Yes, for the purposes of eligibility for a dedicated chronically homeless project, a family can be comprised of a couple where one member meet all requirement of being chronically homeless. Both members of the household must be homeless. SHP and S+C funds may not be used to serve non-homeless persons.

For the purpose of reporting on the Project Participant Charts in Exhibit 2 in the 2010 CoC Competition the two, individual adult family members must be included on the Households without Dependent Children Chart.

We have again submitted this question to HUD's [HRE Virtual Help Desk](#) to make sure that guidance has not changed for the 2011 competition, and will report back when we hear more.

That said, we do not believe that HUD's language specifically excludes permanent housing bonus projects from serving otherwise eligible households made up of more than one homeless disabled adult and no minor children. In other words, we believe that homeless households with one or more disabled adults (with or without minor children) should be eligible populations for permanent housing bonus projects. This would include couples if both were homeless. Again, though, we are seeking further guidance from HUD.

Q4. Is a month-to-month rental agreement sufficient to constitute "permanent housing" for tenants served with SHP scattered-site leasing under the permanent housing bonus project?

A4. The 2011 CoC NOFA and SHP Deskguide do not specifically address this issue, though the Deskguide does further characterize permanent housing (italics mine):

"The Permanent Housing for Persons with Disabilities component (PH) is another type of supportive housing. It is *long-term housing* that provides supportive services for homeless persons with disabilities. This type of supportive housing enables special needs populations to live as independently as possible in a *permanent setting* . . . Permanent housing can be provided in one structure or several structures at one site or in multiple structures at scattered sites."

Though the language does not address month-to-month rental agreements, the local HUD field office has consistently viewed scattered site leasing support as allowable permanent housing under SHP, provided that the tenant's lease or rental agreement includes an ongoing right to residency. For example, if a month-to-month rental agreement clearly indicates that tenancy under the conditions of the rental agreement may continue beyond the initial one-month term

unless the rental agreement is otherwise rescinded or altered, then the rental agreement has been regarded as evidence of permanent housing. No further direct guidance is currently available.

Q5. Does NOFA language that disallows supplanting of funds apply to services as well as housing costs funded by a permanent housing bonus project?

A5. Yes. Section III.E.4.e of the 2011 NOFA reads:

No Supplanting of Funds: The project applicant must certify that any funds received under this NOFA: (1) will not supplant expenditures from other federal, state, or local sources or funds independently generated by the grantee; and (2) will not supplant any leverage related to this project, if any (that is, the project applicant/grantee must have pursued and secured leverage to the fullest extent possible in order to ensure that expenditures from other federal, state, or local sources or funds independently generated by the project applicant/grantee are not supplanted). Regarding (2), for example, if an agency had already committed to contributing \$100,000 in services to the project applicant's targeted project, the applicant cannot decline all or a portion of that \$100,000 because it receives funds under this announcement.